IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 344 of 2006

Between:

Abdul Gaffer

..... PETITIONER

AND

The Chairman and Managing Director

CPDC of A.P.ltd (A.P.Transco) having its Office
at Singarani Bhavan, Hyderabad and 3 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the 2nd respondent in not disposing of the appeal filed by the petitioner against the assessment order dated 22.07.2005 passed by the 3rd respnodent, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents.

It is stated that Service Connection No.M 3006496, L.T.Category-I was provided to the petitioner's multi, situated at Kamatipura, Hyderabad. A provisional assessment notice dated 18.02.2005 was issued estimating the pilferage charges of Rs.55,06-00. It is also stated that the service connection has been disconnected and petitioner paid certain amounts and obtained reconnection. It appears that the petitioner has made a representation before the 3rd respondent, but the 3rd respondent without considering his representation, passed the final assessment order on 22.07.2005. As against the said order, the petitioner filed an appeal before the 2nd respondent on 24.08.2005, requesting the appellate authority to pass orders in the appeal by following the due procedure prescribed under Section 126 of the Electricity Act, 2003 (for short 'the Act').

When an appeal is filed, the appellate authority is expected to pass orders in accordance with law, particularly, in accordance with guidelines prescribed in Sec.126 of the Act. I do not see any basis for apprehension of the petitioner that the appellate authority is not following the prescribed procedure and the principles laid down under Section 126 of the Act.

Having regard to the facts and circumstances of the case, the

2nd respondent is directed to consider and dispose of the appeal, in accordance with law, particularly in accordance with the principles laid down in Section 126 (5) and (6) of the Act, after giving a reasonable opportunity to the petitioner, within a period

of four weeks from the date of receipt of a copy of this order.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 05.01.2006

Dsr